



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: William W. Zuo
Jingya Xu

§ GROUP ART UNIT: 1614

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SERIAL NO.: 09/940,180

FILED: April 9, 2002

FOR: Anticancer Polypeptide-Metal
Complexes and Compositions,
Methods of Making, and
Methods of Using Same

RECEIVED

APR 11 2002

OFFICE OF PETITIONS

§ ATTORNEY DOCKET NO.: 27300/03

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10 BY EXPRESS MAIL

The Assistant Commissioner of Patents
BOX OFFICE OF PETITIONS
Washington, DC 20231

Dear Sir:

I hereby certify that the following documents, which are attached, are being deposited, under 37 CFR § 1.10, with the United States Postal Service "Express Mail Post Office to Addressee" service as **Express Mail Label No.: EV 041 578 306 US** in an envelope addressed to: The Assistant Commissioner of Patents, Washington, D.C. 20231, on, **April 9, 2002**.

- (1) **Petition Under 37 CFR 1.48 Correction of Inventorship with Check No. 2046 in the amount of \$130.00 for petition fees;**
- (2) **Photocopy of Declaration and Power of Attorney;**
- (3) **Statement Under 37 CFR 3.73(b);**
- (4) **Petition to Correct Filing Date with Check No. 2047 in the amount of \$130.00 for petition fees;**
and
- (5) **Postcard.**

Respectfully submitted,


J. M. (Mark) Gilbreth
Attorney for Applicants

Date: April 9, 2002

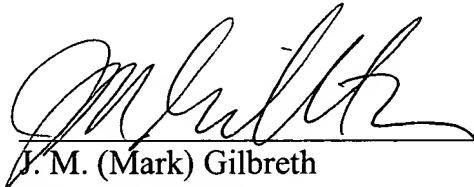
CORRESPONDENCE ADDRESS:
Gilbreth & Associates, P.C.
P.O. Box 2428
Bellaire, Texas 77402-2428

Detailed Discussion

1. August 27, 2001, this application was originally filed.
2. October 9, 2001, the original Filing Receipt noted a filing date of "08/27/01."
3. October 9, 2001, the Notice to File Missing Parts noted that Figures 1A and 4C were omitted from the description (in reality, Fig. 1A was omitted and Fig. 4C was actually there, only incorrectly labeled "Fig. 5C").
4. December 10, 2001, In by Response to the Notice to File Missing Parts, applicant elected option (III)¹, that is, to submit a Preliminary Amendment (preferably prior to the first Office action). As stated in the Notice, under option (III), "the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit." In other words, applicant elected to maintain the August 27, 2001 filing date and live with the application as originally filed.
5. December 28, 2001, the Updated Filing Receipt shows a filing date of "12/10/2001" (i.e., the filing date was changed *sua sponte*).

Any questions regarding this Petition may be directed to Mark Gilbreth at 713/667-1200.

Date: April 9, 2002


J. M. (Mark) Gilbreth
Reg. No. 33,388

GILBRETH & ASSOCIATES, P.C.
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Bellaire, TX 77402-2428
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¹ Of the three options provided in the Notice to File Missing Parts.

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: _____		2 Serial/Patent # <u>09/940,180</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
<input checked="" type="checkbox"/>	Petition	10	4-9-02	\$ 130. ⁰⁰							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
		7 TOTAL AMOUNT OF REFUND		\$ 130. ⁰⁰							
		8 TO BE REFUNDED BY:									
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10 REASON:											
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Office mistake.											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>DEREK L. WOODS</u>		TITLE: <u>Attorney</u>									
SIGNATURE: <u>Derek Woods</u>		PHONE: <u>305-0014</u>									
OFFICE: <u>Petitions</u>											

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APPROVED: <u>Hanle</u>		DATE: <u>7/31/02</u>									

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

**Office of Finance
Refund Branch
Crystal Park One, Room 802B**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICANTS: William W. Zuo
Jingya Xu
Tony Dongfang Yu
David J. Yang

§ 87(2)(b)

GROUP ART UNIT: 1614

SERIAL NO.: 09/940,180

FILED: 08/27/01

FOR: *Anticancer Polypeptide-Metal Complexes and Compositions, Methods of Making, and Methods of Using Same*

**ATTORNEY DOCKET NO.:
27300/03**

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OFFICE OF PETITIONS

PETITION UNDER 37 CFR 1.48
CORRECTION OF INVENTORSHIP

The Commissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

This is a Petition for correction of inventorship under 37 C.F.R. 1.48.

1. Per 37 C.F.R. 1.48(a)(1) the desired inventorship is:

WILLIAM W. ZUO
JING YA XU

Therefore, please DELETE Dongfang Yu and David J. Yang as named inventors.

2. Per 37 C.F.R. 1.48(a)(2) statement from each added/deleted person:

Statement from Dongfang Yu

I, DONGFANG YU, was in error named an inventor of the above referenced patent application, desire that my name be removed as an inventor of the above referenced patent application, and state any error in naming me as an inventor occurred without deceptive intention on my part. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dongfang Yu 3-15-02
DONGFANG YU DATE

Statement from David J. Yang

I, David J. Yang, was in error named an inventor of the above referenced patent application, desire that my name be removed as an inventor of the above referenced patent application, and state any error in naming me as an inventor occurred without deceptive intention on my part. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

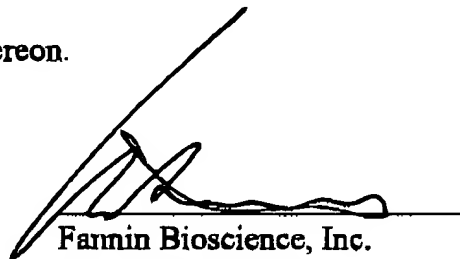
David J. Yang 3-15-02
David J. Yang DATE

3. 37 C.F.R. 1.48(a)(3). The Declaration previously executed by Messrs. Zuo and Xu 11/27 and 12/1 2001, should be sufficient, but as a precaution, a new Declaration is submitted herewith.

4. Per 37 C.F.R. 1.48(a)(4) the processing fee set forth in 37 C.F.R. 1.17(i) is submitted herewith.

5. Per 37 C.F.R. 1.48(a)(5) - Statement by Assignee

Assignee Fannin Bioscience, Inc., hereby consents to this Petition and the correction of inventorship. A statement under 37 C.F. R. 3.73(b) (i.e., PTO/SB/96) is attached hereto. I, William W. Zuo, hereby declare that I am the President of Fannin Bioscience, Inc., and that I have the authority to provide consent of Fannin Bioscience, Inc. to this Petition. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.




Fannin Bioscience, Inc.
By William W. Zuo
President

Mar. 15, 2002
DATE

Any questions regarding this Petition may be directed to Mark Gilbreth at 713/667-1200.

Date: March 14, 2002



J. M. (Mark) Gilbreth
Reg. No. 33,388

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